

- (3) A list containing:
 - (i) An identification by series or system of the records to be transferred,
 - (ii) The inclusive dates of the records,
 - (iii) The NARA disposition of job (SF 115) or GRS and item numbers that authorize disposal of the records;
- (4) A statement providing evidence:
 - (i) That the proposed transfer is in the best interests of the Government,
 - (ii) That the proposed recipient agrees not to sell the records as records or documents, and
 - (iii) That the transfer will be made without cost to the U.S. Government;
- (5) A certification that:
 - (i) The records contain no information the disclosure of which is prohibited by law or contrary to the public interest, and/or
 - (ii) That records proposed for transfer to a person or commercial business are directly pertinent to the custody or operations of properties acquired from the Government, and/or
 - (iii) That a foreign government desiring the records has an official interest in them.
- (c) NARA will consider such request and determine whether the donation is in the public interest. Upon approval NARA will notify the requesting agency in writing. If NARA determines such a proposed donation is contrary to the public interest, the request will be denied and the agency will be notified that the records must be destroyed in accordance with the appropriate disposal authority.

[55 FR 27431, July 2, 1990, as amended at 63 FR 35829, July 1, 1998]

Subpart E—Loan of Permanent and Unscheduled Records

SOURCE: 55 FR 27433, July 2, 1990, unless otherwise noted.

§ 1228.70 Authority.

The Archivist of the United States has authority over the placement of permanent records (44 U.S.C. 2107 and 2904). As unscheduled records have not been appraised, they will be deemed permanent for the purposes of this section and are also covered by this authority.

§ 1228.72 Approval.

No permanent or unscheduled records shall be loaned to non-Federal recipients without prior written approval from NARA. This authorization is not required for temporary loan of permanent and unscheduled records between Federal agencies.

§ 1228.74 Agency action.

(a) An agency proposing to loan permanent or unscheduled records shall execute a written loan agreement with the proposed recipient. The agreement shall include:

- (1) The name of the department or agency and subdivisions thereof having custody of the records;
- (2) The name and address of the proposed recipient of the records;
- (3) A list containing:
 - (i) An identification by series or system of the records to be loaned,
 - (ii) The inclusive dates for each series,
 - (iii) The volume and media of the records to be loaned, and
 - (iv) The NARA disposition job (SF 115) and item numbers covering the records, if any;
- (4) A statement of the purpose and duration of the loan;
- (5) A statement specifying any restrictions on the use of the records and how these restrictions will be administered by the donee; and
- (6) A certification that the records will be stored according to the environmental specifications for archival records.

(b) The Archivist of the United States shall be a signatory on all loan agreements for permanent and unscheduled records. An agreement may not be implemented until the Archivist has signed.

(c) The head of the Federal agency shall request approval for the loan by sending a letter to NARA (NWML), 8601 Adelphi Rd., College Park, MD 20740-6001, transmitting the proposed loan agreement and specifying the name, title, and telephone number of the person NARA should contact about the proposed loan.

[57 FR 22432, May 28, 1992, as amended at 63 FR 35829, July 1, 1998]